



April 2023

These are summaries of orders voted by the Federal Energy Regulatory Commission at its April 20 public meeting. The summaries are produced by FERC's Office of External Affairs and are intended to provide only a general synopsis of the orders. These summaries are not intended as a substitute for the Commission's official orders. To determine the specific actions and the Commission's reasoning, please consult the individual orders when they are posted to FERC's eLibrary found at www.ferc.gov.

News Release—E-1, Incentives for Advanced Cybersecurity Investment, Docket No. RM22-19-000

E-2 Data Collection for Analytics and Surveillance and Market-Based Rate Purposes, et al., Docket No. RM16-17-001, et al.

Order on Intent to Revoke Market-Based Rate Authority

The order directs two public utilities to file with the Commission their delinquent baseline submission to the market-based rate relational database, as required by Order No. 860. Those utilities not doing so will face revocation of their authority to make sales at market-based rates and termination of their electric market-based rate tariffs.

E-3 Office of the Ohio Consumers' Counsel v. American Elec. Power Serv. Corp., Docket No. EL22-34-001

Order Addressing Arguments Raised on Rehearing

The order addresses respective requests for rehearing filed by the Office of the Ohio Consumers' Counsel (OCC) and American Electric Power Service Corporation regarding a December 15, 2022, Order on Complaint, which granted in part and denied in part a complaint by OCC. OCC's complaint argued that certain utilities providing service in Ohio were ineligible for an adder to their return on equity for participation in a transmission organization, because their participation is not voluntary under Ohio law. The rehearing order sustains the result of Order on Complaint.



E-5 New York Independent System Operator, Inc., Docket No. ER21-2460-003

Order on Compliance Filing

On June 17, 2022, the Commission issued an order accepting, subject to a further compliance filing, a filing that New York Independent System Operator, Inc. (NYISO) made to comply with the requirements of Order No. 2222, which removes barriers to the participation of distributed energy resource aggregations in the capacity, energy, and ancillary service markets operated by Regional Transmission Organizations and Independent System Operators. On November 14, 2022, NYISO submitted its compliance filing. The order accepts NYISO's compliance filing, subject to further compliance filings.

E-6 New York Independent System Operator, Inc., Docket No. ER22-2350-000

Order on Compliance Filing

The order accepts in part and rejects in part the New York Independent System Operator, Inc.'s (NYISO) proposed tariff revisions to improve the accuracy and transparency of electric transmission line ratings in compliance with the requirements of Order No. 881 subject to further compliance.

E-7 California Independent System Operator Corp., Docket No. ER22-2362-000

Order on Compliance Filing

The order accepts California Independent System Operator Corporation's (CAISO) proposed revisions to its tariff to improve the accuracy and transparency of electric transmission line ratings in compliance with the requirements of Order No. 881, subject to a further compliance filing.

E-8 Tampa Electric Company, Docket No. ER22-1546-000

Order on Compliance Filing

The order accepts Tampa Electric Company's (Tampa Electric) proposed tariff revisions to improve the accuracy and transparency of electric transmission line ratings in compliance with the requirements of Order No. 881, subject to Tampa Electric submitting a further compliance filing.



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E-9 Black Hills Power, Inc., Docket No. ER22-2303-000

Order on Compliance Filing

The order accepts Black Hills Power, Inc.'s (Black Hills Power) proposed tariff revisions to improve the accuracy and transparency of electric transmission line ratings in compliance with the requirements of Order No. 881, subject to Black Hills Power submitting a further compliance filing.

E-10 Arizona Public Service Co., Docket No. ER22-1863-001

Order on Compliance Filing

The order accepts Arizona Public Service Company's (APS) proposed revisions to its tariff to improve the accuracy and transparency of electric transmission line ratings in compliance with the requirements of Order No. 881, subject to APS submitting a further compliance filing.

E-11 Louisville Gas and Electric Co., Docket No. ER22-2305-000

Order on Compliance Filing

The order accepts Louisville Gas and Electric Company and Kentucky Utilities Company's (LG&E/KU) proposed tariff revisions to improve the accuracy and transparency of electric transmission line ratings in compliance with the requirements of Order No. 881, subject to LG&E/KU submitting a further compliance filing.

E-12 NRG Power Marketing LLC, Docket No. ER22-1539-001

Order on Revised Tariff Record in Settlement Judge and Hearing Proceeding

The order accepts a PDF version of the Reliability Must-Run Rate Schedule Electric to replace the current Rich Text Format versions in eLibrary and eTariff, eliminating formatting and section numbering errors introduced through file conversions.



E-13 Deuel Harvest Wind Energy LLC, Docket No. ER22-1980-001

Order Approving Settlement

The order approves Deuel Harvest Wind Energy LLC's offer of settlement addressing the revenue requirement in its rate schedule for Reactive Supply and Voltage Control from Generation or Other Sources Service under Schedule 2 of the Midcontinent Independent System Operator, Inc. tariff.

E-14 Tri-State Generation and Transmission Association, Inc., Docket No. ER20-681-008

Order Accepting Notice of Change in Status and Accepting Tariff Revisions

The order accepts the notice of change in status filed by Tri-State Generation and Transmission Association, Inc. (Tri-State) which requested re-authorization of Tri-State's market-based rate authority in the Western Area Power Administration – Colorado Missouri (WACM) Balancing Authority Area. Tri-State's authorization to engage in sales at market-based rates in the WACM Balancing Authority Area was previously revoked by the Commission in September 2022.

E-15 Ohio Power Co., Docket No. ER23-855-000

Order Accepting Compliance Filing and Refund Report

The order accepts Ohio Power Company and AEP Ohio Transmission Company's compliance filing and refund report to comply with the requirements of the Commission's December 15, 2022, order on the complaint filed by Office of the Ohio Consumers' Council requiring the removal of the RTO Adder from those companies' rate of return.

E-16 PacifiCorp, Docket No. EL22-38-000

Order on Show Cause Proceeding and Directing a Compliance Filing

The order finds that PacifiCorp's transmission formula rate protocols under its tariff are unjust and unreasonable, and directs PacifiCorp to submit a compliance filing with proposed tariff revisions.



E-17 Michigan Electric Transmission Company, LLC and ITC Interconnection LLC, Docket No. EC23-28-000

Order Authorizing Disposition of Jurisdictional Facilities

The order authorizes the sale of a transmission line currently owned by ITC Interconnection LLC to Michigan Electric Transmission Company, LLC.

E-18 Tenaska Clear Creek Wind, LLC v. Southwest Power Pool, Inc., Docket No. EL22-59-001

Order Addressing Arguments Raised on Rehearing

The order addresses a request for rehearing of the Commission's December 15, 2022, order denying a complaint and petition filed by Tenaska Clear Creek Wind, LLC, alleging that respondents had adopted certain operating guides that resulted in curtailments of Tenaska's generating facility that were unjust, unreasonable and unduly discriminatory or preferential and were inconsistent with Respondents' tariffs and Commission precedent. The order sustains the result of the December 2022 order.

C-1 Rio Grande LNG, LLC and Rio Bravo Pipeline Company, LLC, Docket No. CP16-454-003, et al.

Order On Remand and Amending Section 7 Certificate

The order addresses two issues on remand from the D.C. Circuit. The court, in *Vecinos para el Bienestar de la Comunidad Costera v. FERC* (6 F.4th 1321 (D.C. Cir. 2021)), remanded the Commission's orders authorizing construction and operation of the Rio Grande LNG Terminal and Rio Bravo Pipeline Project directing the Commission to address the argument of whether it must, under the regulations implementing NEPA apply the social cost of greenhouse gases to analyze the projects' impacts on climate change, and explain the decision to limit the scope of its environmental justice analysis of the projects' impacts to those communities within two miles of the project or else analyze the projects' impacts within a different radius. The order addresses these issues and reaffirms the Commission's previous determinations that the Rio Grande LNG Terminal is not inconsistent with the public interest and the Rio Bravo Pipeline Project is in the public convenience and necessity. The order also approves Rio Bravo Pipeline Company, LLC's proposal to amend its pipeline certificate, in Docket No. CP20-481.



C-2 Texas LNG Brownsville LLC, Docket No. CP16-116-002

Order on Remand

The order addresses two issues on remand from the D.C. Circuit. In *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321 (D.C. Cir. 2021), the D.C. Circuit remanded the Commission's order authorizing construction and operation of the Texas LNG Project directing the Commission to address the argument of whether it must, under the regulations implementing NEPA apply the social cost of greenhouse gases to analyze the project's impacts on climate change, and explain the decision to limit the scope of its environmental justice analysis of the project's impacts to those communities within two miles of the project or else analyze the project's impacts within a different radius. This order addresses these issues and reaffirms the Commission's previous determinations that the Texas LNG Project is not inconsistent with the public interest.

C-3 Spire STL Pipeline LLC, Docket No. CP17-40-016

Order Addressing Arguments Raised on Rehearing

The order responds to the request by Environmental Defense Fund (EDF) for rehearing of the Commission's order on remand that reissued authorizations for the Spire STL Pipeline. *Spire STL Pipeline LLC*, 181 FERC ¶ 61,232 (Dec. 15, 2022). EDF argues that the Commission failed to conduct additional public notice and comment and that the Commission failed to address how self-dealing results in anticompetitive impacts. The order sustains the Commission's determinations from the underlying remand order.

C-4 Driftwood Pipeline LLC, Docket Nos. CP21-465-000; -001; -002

Order Issuing Certificate

The order approves Driftwood Pipeline LLC's application pursuant to section 7 of the NGA for a certificate of public convenience and necessity to construct and operate two new interstate natural gas pipelines (Line 200 and Line 300 Project) in Beauregard and Calcasieu Parishes, Louisiana. The project is designed to provide nominal firm transportation service capacity of up to 5,400,000 Dth/d, with



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seasonal peak capacity of up to 5,700,000 Dth/d, to Driftwood LNG and natural gas markets in the Lake Charles, La. region.

H-1 Green Mountain Power Corporation, Project No. 12766-008

Order Granting Clarification and Addressing Arguments Raised on Rehearing

The order addresses licensee Green Mountain Power Corporation's request for clarification or, in the alternative, rehearing of Commission staff's December 22, 2022, License Order for the Clay Hill Road Line 66 Transmission Project No. 12766, which is located in Windsor County, Vermont, and serves as part of the primary transmission line for the North Hartland Hydroelectric Project No. 2816. The order clarifies that Article 402 of the license does not require the licensee to consult with the Vermont State Historic Preservation Officer prior to implementing vegetation management and other minor and routine maintenance activities and dismisses the licensee's alternative request for rehearing as moot.

H-2 Stonecat Hydro, LLC, Project No. 15280-000

Order Issuing Preliminary Permit and Granting Priority to File License Application

The order issues a preliminary permit to Stonecat Hydro, LLC to study the feasibility of the proposed 849-kilowatt Lower Swanton Dam Hydroelectric Project on the Missisquoi River in Franklin County, Vermont.